IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.12071 of 2004

Between:

1 Gangireddi Aruna W/o Srinivasulu
R/o Thimmareddipalem (V), Lingasamudram (M), Prakasam District
2 Mule Adivamma W/o Obulu Kondaiah
R/o Thimmareddipalem (V), Lingasamudram (M), Prakasam District
3 Ramana Pushpavathi W/o Venkata Ramanareddy
R/o Thimmareddipalem (V), Lingasamudram (M), Prakasam District
4 Ramana Eswaramma W/o Malyadri
R/o Thimmareddipalem (V), Lingasamudram (M), Prakasam District
5 Gangireddi Vijayalakshmi W/o Malyadri
R/o Thimmareddipalem (V), Lingasamudram (M), Prakasam District

..... PETITIONERS

AND

1 The District Collector, Prakasam District at Ongole.
2 Revenue Divisional Officer, Kandukur, Prakasam District.
3 Mandal Revenue Officer, Lingasamudram Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing notice, dt.9-7-2004 in Rc.B50/04 thereby directing stoppage of construction of petitioners' houses and contemplating enquiry about their eligibility for assignment is illegal, irregular unauthorized, without jurisdiction and violative of Articles 14, 21 and 300 A of Constitution of India and also AP Board of Revenue Standing Orders and the terms of very assignment orders and consequently quash the same.

Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos.1 to 3: G.P. FOR REVENUE

The Court made the following:

ORDER:

The petitioners are residents of Thimmareddipalem Village in Lingasamudram Mandal in Prakasam District. Aggrieved by notice of enquiry dt.9.7.2004 issued by third respondent they invoked the jurisdiction of this Court under Article 226 of the Constitution of India. This Court while admitting the Writ Petition suspended the impugned notice by order dt.14.7.2004 made in W.P.M.P.No.15336 of 2004. The respondents filed W.V.M.P.No.2046 of 2004 and as the controversy is in a narrow compass, the Writ Petition is disposed of at the interlocutory stage with the consent of the parties.

By the impugned notice, the petitioners and others were requested to produce the necessary documents regarding the title to the house sites in S.Nos.374 and 375 of Thimmareddipalem. It is also alleged in the impugned notice that petitioners are constructing houses ignoring the layout plan and that some of them are not eligible for grant of house site patta. Though the learned counsel for the petitioners contends that the impugned notice pre-determines the issue, this Court is not able to countenance the submission. A perusal of the impugned order would show that it is only a mere notice and no Writ Petition would lie.

The Writ Petition is therefore disposed of giving liberty to petitioners to submit an explanation to the impugned notice, if not already submitted. The Mandal Revenue Officer shall consider the representation/explanation of the petitioners and also necessary documents that may be produced by petitioners, and pass appropriate orders duly giving opportunity to petitioners. If the petitioners are in possession of the property and house site pattas are assigned to them, they shall not be disturbed till enquiry is completed.

The Writ Petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO, J)

6.10.2004

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To

1. The District Collector, Prakasam District at Ongole.
2. The Revenue Divisional Officer, Kandukur, Prakasam District.
3. The Mandal Revenue Officer, Lingasamudram Mandal,

Prakasam District.

4. Two CCs to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (O.U.T)

5. Two C.D. Copies.